

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
15-CvS-2042

JOSHUA ALLBRITTON, a minor, by and
through his Guardian ad Litem, RONALD C.
CROSBY, JR. and RICK ALLBRITTON,

Plaintiffs,

v.

CUMBERLAND COUNTY
BOARD OF EDUCATION

Defendant.

ORDER APPROVING MINOR
SETTLEMENT

THIS CAUSE, coming to be heard and being heard on the 26 day of Sept, 2016, before
the undersigned Judge presiding over the Superior Court of Cumberland County, North Carolina,
the minor Plaintiff, Joshua Allbritton, is not present in court, but his *Guardian ad Litem*, Ronald
C. Crosby, Jr. is present along with Plaintiffs' counsel Kurt Schmidt and Lee Boughman, and the
Defendant being represented by MARY M. WEBB; and

IT APPEARING to the Court that Ronald C. Crosby, Jr. is the duly appointed *Guardian
ad Litem* for the minor Plaintiff, Joshua Allbritton, and has brought this action under the
provisions of North Carolina law for damages to the minor; and

IT APPEARING to the Court that this is an action for personal injuries incurred as the
result of an incident which occurred on or about March 29, 2012 at C. Wayne Collier School in
Fayetteville, North Carolina, where the minor Plaintiff was a student, in which minor Plaintiff
sustained some injury, that the liability of said Defendant, if any, is in doubt; that the Plaintiffs
desire to settle and the parties have agreed to forever compromise and settle claims for the
amount of THIRTY THOUSAND DOLLARS AND 00/00 (\$30,000.00), and payment be made
as follows:

1. Defendant shall pay the TOTAL sum of THIRTY THOUSAND DOLLARS to be
disbursed as follows:

- a. Defendant shall pay the sum of \$3,900.00 to Thomas Law as attorney fee
\$3,900.00 to Adams, Burge & Boughman as attorney fees for valuable legal services
rendered to Plaintiffs;
- b. \$1,903.25 to Thomas Law for advanced costs and \$230.00 to Adams, Burge &
Boughman for advanced costs;

- c. \$9,544.91 to United States Treasury for satisfaction of the Tricare lien;
- d. \$500.00 to Ronald C Crosby, Jr. for GAL fee; and
- e. Defendant shall pay the sum of \$10,021.84 directly to the Cumberland County Clerk of Superior Court to be held in trust for the benefit of the minor Plaintiff.

2. That the terms and conditions of the compromise settlement are more fully defined and set out in the *Settlement Agreement and Release*, which is attached hereto and incorporated herein by reference as if fully set forth, and sets out the rights and obligations of each of the respective parties with regard to said payments; and

3. The Court, finding that said settlement is fair and reasonable, and that it is in the best interest of the minor Plaintiff and his *Guardian ad Litem* to accept said sum of settlement as herein above described; and the Court sanctions and approves said settlement.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the Plaintiffs have and recover of the Defendant the total sum of THIRTY THOUSAND DOLLARS AND 00/00 (\$30,00.00) payable to the minor Plaintiff and his *Guardian ad Litem* according to the terms set forth above in paragraphs 1, 2, and 3, and more fully in the Settlement Agreement and Release;

Payment of the aforesaid total sum of THIRTY THOUSAND DOLLARS AND 00/00 (\$30,000.00) constitutes and operates as a full, final and complete settlement, satisfaction, release, and discharge of any and all claims whatsoever which Plaintiffs, or any other person or persons operating by, for, or through Plaintiffs, may have against the Defendant, or any other person, corporation, or entity, on account of, or in any manner arising out of, or resulting from the matters and things referred to in the pleadings in this action; this Order shall be and constitutes a perpetual bar to the institution or prosecution of any action or cause of action by or on behalf of the minor Plaintiff or Plaintiffs or any other person or persons claiming by, for, or through Plaintiffs, and resulting from the matters and things referred to in the pleadings in this matter; this matter is hereby dismissed with prejudice and the costs of this action shall be taxed against the Defendant.

This the 26th day of September, 2016.



SUPERIOR COURT JUDGE PRESIDING

WE CONSENT.

Ronald C. Crosby, Jr.
as *Guardian ad Litem* for
Joshua Albritton

Rick Albritton as Parent of Minor
and Plaintiff, Individually

Kurt Schmidt
Attorney for Plaintiffs

MARY WEBB
MARY M. WEBB
Attorney for Defendant

CERTIFICATE OF SERVICE

I, Harold Lee Boughman, Jr., Attorney for Plaintiffs in the foregoing action, do hereby certify that I have this day served the parties in this action with a copy of the foregoing Order Approving Minor Settlement, by mailing a copy of same through first-class mail, postage prepaid, to:

Mary M. Webb
2840 Plaza Place, Suite 400
Raleigh, NC 27612

Ronald C. Crosby, Jr.
201 E. Russell Street, Suite 105
Fayetteville, NC 28301

THIS the 26 day of September, 2016.

ADAMS, BURGE & BOUGHMAN

BY: HAROLD LEE BOUGHMAN, JR.

HAROLD LEE BOUGHMAN, JR.
Attorney for Plaintiffs
201 Hay Street, Suite 103, P. O. Box 190 (28302)
Fayetteville, NC 28301
Telephone: 910/223-1400
Facsimile: 910/485-1021

16 SEP 26 PM '16
U.S. DISTRICT COURT, N.C.
FAYETTEVILLE, NC